



AGENDA
RIO DELL CITY COUNCIL
REGULAR MEETING – 6:30 P.M.
TUESDAY, MAY 6, 2014
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

THE TYPE OF COUNCIL BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CEREMONIAL MATTERS

1) 2014/0506.01 – Proclamation in Recognition of Older Americans Month May 2014

1

E. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. As such, a dialogue with the Council or staff is not intended. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3rds of the Councilmembers present that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

F. CONSENT CALENDAR

The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Council members if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS".

- 1) 2014/0506.02 - Approve Submittal of an Active Transportation Program (ATP) for Bicycle and Pedestrian Safety Projects (ACTION) 3
- 2) 2014/0506.03 - Approve Amendment of Section 2 (Term) and Section 6 (Salary) of existing Agreement with City Manager Jim Stretch to extend Term until or beyond arrival of the new City Manager and adjust Salary to Step C at \$54.51/hr. effective May 22, 2014 (ACTION) 4
- 3) 2014/0506.04 - Approve Agreement with Freshwater Environmental Services in the Amount of \$5,120 for Support Services Related to the Implementation of the Red Cross Connection Control Program and City Water Supply System (ACTION) 5

G. SPECIAL PRESENTATIONS

- 1) 2014/0506.05 - Report from Subcommittee Related to Old Ranch Road Water Line 9

H. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar
- 2) 2014/0506.06 - Authorize the City Manager to Execute a One-Year Merchant Agreement with GovTeller to Provide Credit Card Processing Services for the City (ACTION) 24
- 3) 2014/0506.07 - Authorize the Internal Transfer of Streets Fund Appropriations from Capital Projects Budget (Gas Tax) to Street Operations Budget in the Amount of Approximately \$40,364 (ACTION) 29

I. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- 1) 2014/0506.09 - Introduce and conduct first reading (by title only) of Ordinance No. 316-2014 amending Commercial and Industrial Regulations by replacing the language "such as" with "similar to and including but not limited to" and to allow uses not compatible with the uses permitted in the zone with a Conditional Use Permit (ACTION) 31

J. REPORTS/STAFF COMMUNICATIONS

1. City Manager
2. Chief of Police
3. Finance Director
4. Community Development Director

K. COUNCIL REPORTS/COMMUNICATIONS

L. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS

FOLLOWS: No Closed Session Items Scheduled

M. ADJOURNMENT

*The next meeting will be on May 13, 2014
Closed Session – City Manager Selection – 4:00 p.m.
Study Session – Water Capital Improvement Plan (CIP) – 6:30 p.m.*

*675 Wildwood Avenue
Rio Dell, CA 95562*



STAFF REPORT

TO: Mayor and Members of the City Council

THROUGH: Jim Stretch, City Manager

FROM: Karen Dunham, City Clerk

DATE: May 6, 2014

SUBJECT: Proclamation in Recognition of Older Americans Month, May 2014
Gray Matters, The Area 1 Agency on Aging.

RECOMMENDATION

Read and present the Proclamation in recognition of Older Americans Month May 2014

BACKGROUND AND DISCUSSION

Tim Marks will be present at the meeting to accept the Proclamation on behalf of the Area 1 Agency on Aging.

ATTACHMENTS: Proclamation

Older Americans Month 2014 Proclamation
Gray Matters
The Area 1 Agency on Aging

Whereas, City of Rio Dell is a community that includes 652 citizens ages 60 and older which is 19% of the total population in Rio Dell; and

Whereas, City of Rio Dell is committed to helping all individuals live longer, healthier lives; and

Whereas, the older adults in Rio Dell have made countless contributions and sacrifices to ensure a better life for future generations; and

Whereas, we recognize the value of injury prevention and safety awareness in helping older adults remain healthy and active; and

Whereas, our community can provide opportunities to enrich the lives of individuals young and old by:

- Emphasizing the need to take action to safeguard themselves from unintentional injuries where they live, work and socialize
- Providing information on avoiding leading causes of injury for older adults – falls, motor vehicle-related incidents, suffocation, medication overdose, and fire/burns
- Helping older adults take control of their safety and wellbeing

Now therefore, we the City Council of the City of Rio Dell, California do hereby proclaim May 2014 to be Older Americans Month. We urge every resident to take time this month to recognize older adults and the people who serve and support them as powerful and vital individuals who greatly contribute to the community.

Dated this 6th day of May, 2014
City of Rio Dell, California

Jack Thompson, Mayor

*Rio Dell City hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodelcity.com*



May 6, 2104

TO: Rio Dell City Council

FROM: Jim Stretch, City Manager

SUBJECT: Approval of Active Transportation Program (ATP) Application for Bicycle and Pedestrian Safety Projects

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve the submittal of an ATP application prepared by GHD for the City to include the following (5) bicycle and pedestrian projects:

1. Scenic Way at Eeloa Avenue Intersection reconfiguration for pedestrian and bicyclist safety--\$572,000 (11.47% match), and
2. Bellevue Avenue between Wildwood Avenue and River Street bike lane, signage and striping improvements--\$69,000, and
3. Wildwood Avenue between Elko Street and Bellevue Avenue bike lane including signage and striping--\$35,000, and
4. Davis Street between Wildwood and Rigby Avenues bike lanes and striping--\$53,000, and
5. Rigby Avenue between Davis and Center Streets bike lane and striping--\$16,000.

BACKGROUND AND DISCUSSION

Caltrans is calling for Active Transportation Program (ATP) project applications that will encourage safety and increased pedestrian and bicycle trips. The application due date is May 21, 2014 and GHD has offered to develop the application and split the cost with the City. Safe Route to Schools (SR2S) projects take more time to prepare and so the City Engineer, Streets Superintendent and City Manager have reviewed the March 2013 Streets Capital Improvement Project Plan and selected (5) projects for the application. The Council is asked to approve the \$745,000 application currently being prepared by GHD.

The (4) SR2S projects for the application total \$173,000; require no local match and were chosen for streets where pedestrian and bike lanes for schools children did not exist. The \$572,000 infrastructure project proposes a reconfiguration to the intersection of Scenic Way at Eeloa Avenue to create safe crossings for pedestrians and bicyclists. Infrastructure projects require an 11.47% local match and the Streets Fund would provide that match.

Rio Dell City hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodellcity.com



May 6, 2104

TO: Rio Dell City Council
FROM:  Jim Stretch, City Manager
SUBJECT: Extension of Agreement with City Manager

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve the amendment of Section 2. (Term) and Section 6. (Salary) of the existing agreement with City Manager Jim Stretch to extend the term of the agreement until the new City Manager arrives, to include a short overlap if requested by the Council, and adjust the salary to step (C) of the range(\$54.51/hour) effective May 22, 2014.

BACKGROUND AND DISCUSSION

The current agreement with City Manager Jim Stretch expires on May 21, 2014. Given the interview dates for the new City Manager is set for June 9 & 10, 2014, it is likely that it may be July 2014 before the position is filled. Accordingly, the agreement with the present City Manager needs to be extended until that time and he is agreeable to stay on for a short term.

Similarly, the 2 year agreement with Jim Stretch included annual step increases with satisfactory performance, which were granted. The salary range for the position approved by the City Council includes a (C) step with the commencement of the 3rd year, which in this case begins on May 22, 2014. The (C) is 3% more than the previous step and computes at \$54.51/hour.

OPTIONS

The City Council may allow the agreement to lapse on May 21, 2014 and have the position remain vacant until the new City Manager arrives. Or, the Council could extend the agreement through the end of the fiscal year (June 30, 2014) to realize some salary and benefit savings. Either approach is agreeable with the present City Manager.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



May 6, 2014

TO: Honorable Mayor and City Council

THROUGH: Jim Stretch, City Manager

FROM: Randy Jensen, Water & Roadways Sup.

SUBJECT: Approval of Agreement with Freshwater Environmental Services

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve the attached agreement with Freshwater Environmental Services for the amount of \$5,120.00 to provide support services related to the implementation of the Rio Dell Cross Connection Control Program and City Water Supply System.

BACKGROUND AND DISCUSSION:

California Department of Public Health, (CDPH) required in its 2010 California Code of Water Regulations, Title 22, which Water Districts have a Cross Connection Control Program to assure the safety to the Residents from contaminants entering into the water distribution system. Cross Connection and Backflow prevention is a large part in providing safe drinking water to its customers.

The first phase of this process was to adopt an ordinance regarding the rules and requirements needed to comply with the Cross Connection Program. Freshwater Environmental Services (FES) assisted with drafting the Cross Connection Ordinance back in February of 2012. The Ordinance was adopted by the City Council on March of 2012 and then the Water Department mailed out a Survey letter to the residents requesting information about their household water systems for possible cross connection issues.

Listed below are Four Tasks that the City Water Fund wishes to contract with Freshwater Environmental Services to bring the program into compliance with State law:

TASK 1

The City collected a large number of responses. It is proposed that FES organize and sort through the data to further evaluate the necessary needs to provide a safe Water Distribution System.

TASK 2

Freshwater Environmental Services will assist in the review of water production versus sales history to track water loss within the Water Distribution System. Freshwater Environmental Services will perform an AWWA Water Supply Audit to get a better understanding on the Water System.

TASK 3

Freshwater Environmental Services will evaluate the monthly water and sewer volumes to determine the gallons per capita daily trends. This analysis will assist in estimating how and where the water is being used throughout the city, including by water loss due to leaks and or outdoor water use.

TASK 4

Freshwater Environmental Services will attend meetings with California Department of Public Health (CDPH) to review and update our current Rio Dell Water Shortage Contingency Plan with the latest requirements as well as discuss the City's Potential for Funding Eligibility.

These Tasks are greatly needed to better understand the water demands on the system and our usages, as well as to protect our water system and assure the City provides safe, dependable, and continuous water services.

Funds are available in the Water Fund for this assistance due to the mid-year curtailment of capital projects and major equipment purchases in the fund.



WORK AUTHORIZATION REQUEST

March 20, 2014

Client Information

Contact Name: Randy Jensen
Contact Title: Water and Roadways Superintendent
Company: City of Rio Dell
Name:
Address: 475 Hilltop Drive
Rio Dell, California 95562
Phone: (707) 764-3541
FAX:

Freshwater Environmental Services Information

Contact Name: Orrin Plocher / Stan Thiesen
78 Sunny Brae Center
Address: Arcata, California, 95521
Phone: 707 839-0091
Cell: 707 498-9071

Project Status

Amount Requested: \$5,120.00

Scope of Work

Freshwater Environmental Services (FES) has prepared this Work Authorization Request for support services related to the Rio Dell Cross-Connection Control Program and water supply.

Task 1 Cross Connection Control Program Support

FES will provide support services related to implementation of the Rio Dell Cross-Connection Control Program. FES will:

- 1) Provide orientation and training on the Cross-Connection Control database (data entry);
- 2) Evaluate the 1st round of survey return data;
- 3) Prepare letters and labels for the 2nd round survey; and
- 4) Evaluate the 2nd round of survey return data and determine the next step of implementation.

Task 2 AWWA Water Supply Audit

FES will perform the AWWA water supply audit for the City of Rio Dell. The audit will cover the year 2013 and will rely on data provided by the City of Rio Dell. The audit may indicate areas of the water supply, billing and accounting process that warrant additional investigation and possible modification to increase the quality of the leak audit in subsequent years.

Task 3 Water Use Trend Analysis

FES will evaluate monthly water production and sewer volumes for the period 2000-2013. The goal of this analysis will be to determine gallons per capita day (GPCD) trends, water use trends by sector, water loss trends, and an estimate of outdoor water use. FES will review 12 months of monthly water sales data (by account) to determine average use and identify trends in excess water use.

**WORK AUTHORIZATION REQUEST**

March 20, 2014

Task 4 Regulatory Meeting

FES will review the current Rio Dell Water Shortage Contingency Plan and will attend a meeting with the California Department of Public Health (CDPH) representative to determine water conservation plan requirements and funding eligibility.

Budget**TASK 1 Cross Connection Control Program Support**

<u>Labor</u>	<u>\$1,600.00</u>
Total	\$1,600.00

TASK 2 AWWA Water Supply Audit

<u>Labor</u>	<u>\$1,600.00</u>
Total	\$1,600.00

TASK 3 Water Use Trend Analysis

<u>Labor</u>	<u>\$1,600.00</u>
Total	\$1,600.00

TASK 4 Regulatory Meeting

<u>Labor</u>	<u>\$320.00</u>
Total	\$320.00

Total Total	\$5,120.00
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Schedule

Work will be initiated upon contract finalization. Estimated completion time is 4 weeks.

Basis of Charges and Conditions for the Work

Basis of Charges shall be Time and Materials (not to exceed) in the amount of \$5,120.

City of Rio Dell

Name: _____

Date: _____

Signature: _____

FESName: Orrin PlocherDate: March 20, 2014Signature: *Orrin Plocher***Attachments:**

Date transmitted:

March 20, 2014

Transmittal:

Electronic Delivery

**SUBCOMMITTEE MEETING
OLD RANCH ROAD WATER LINE
APRIL 8, 2014
MINUTES**

A City Council Subcommittee meeting was held on April 8, 2014 at Rio Dell City Hall Council Chambers at 6:00 p.m. to meet with Old Ranch Road (ORR) Water Line customers to hear their concerns related to the City Manager's recommendation for the City to continue water service to the neighborhood from water meters relocated to the intersection of ORR and Monument Road.

Present were subcommittee members Mayor Thompson and Councilmember Johnson, City Manager Stretch, Water/Roadways Superintendent Jensen, City Engineer Perry, City Attorney Gans, George Williamson, LAFCo Executive Officer and City Clerk Dunham. Also present were 12 residents from the Monument neighborhood.

The meeting began with Mayor Thompson thanking everyone for coming and reciting the ground rules on how the meeting will be conducted. He stated that the City Council appointed him and Councilmember Johnson to a subcommittee to receive comments and suggestions from the residents being served from the Old Ranch Road water line. He said their purpose this evening is to simply listen, as any decisions made will be by the full body of the City Council. He asked speakers to limit their comments and be respectful of others while speaking.

Charll Stoneman commented that he hoped that instead of residents just getting up and discussing the same issues over again he really hoped there will an opportunity for the City to present what its desires are with regard to providing water services to the residents served by the ORR water line.

Mayor Thompson explained the desire of the City is to relocate the meters to the intersection of ORR and Monument Road and since the services are located outside Rio Dell city limits there needs to be dialog from the residents on how they plan to run water lines to the meters. He stated that the City is not responsible for installation of laterals on private property.

Mayor Thompson then introduced staff members and consultants who were present.

Councilmember Johnson directed everyone's attention to the white board on the back wall with a map drawn of the Monument and Old Ranch Road area. He reminded the residents that members of the City Council are elected by the citizens of Rio Dell and are here to serve them.

Water/Roadways Superintendent Jensen continued with a power point presentation representing pictures of Old Ranch Road with overgrown brush and poison oak, the existing exposed 2 inch plastic water line held together with hose clamps and rubber inner tubes, and water meters located in the brush and poison oak. One of the pictures showed the water line strapped to a tree with a ratchet strap to keep the line from slipping down the bank where the road previously

**SUBCOMMITTEE MEETING MINUTES
OLD RANCH ROAD WATER LINE
Page 2**

slipped out. He said public works personnel have to walk in to read the meters each month because of a slide. Also, the existing water line goes from galvanized to plastic and is in very poor condition. He noted that up until around 2006, public works personnel cleared the brush around the exposed water line on Old Ranch Road but because of the difficulty in getting access to the line, a decision was made to no longer do it.

Linda Cidoni interjected that the water meter that served the parcel formerly owned by Cindy Marble which she now owns, was removed without any notification from the City.

Water/Roadways Superintendent Jensen stated that he was not aware of a meter at that location so it must have been removed sometime before 2004 under a previous public works director.

He went on to show several areas where the line was held together with repair clamps and a picture of the second gate with a sign that stated "Beware - Fire Arms in Use." He said they have to hike over the gate to read the meter on the other side of the gate.

Charll Stoneman said at the second gate the line is gravity fed and asked if the line is moved to the edge of Monument Road if it will be a problem.

Water/Roadways Superintendent said as long as there is an air relief valve there shouldn't be a problem.

He explained the water line went from a 2 inch line to a 1 inch because a former resident, John Miranda destroyed a section of the 2 inch line when he hauled in a trailer house so the City had to install a new 1 inch poly pipe line around 2005.

Charll Stoneman asked if Mr. Miranda was required to pay for any of the repairs. Staff commented that they do not believe the City was reimbursed for any of the cost

Water/Roadways Superintendent Jensen said the 3rd meter is at the tank shared by the association and is fed with a 1 inch poly pipe with a 1 inch tee recently installed by the City. He said David Hagemann's meter is the 4th meter and is the furthest point from the distribution system. He noted that during the time from 1996 until around 2003, City workers could access Old Ranch Road by vehicle without a problem; since then the road has not been passable except on foot.

John Coleman commented that the pictures indicate that most of the water line comes from the original system purchased by the City in 1969 so the life span of that infrastructure is gone. Also, he said the line was never properly installed and the primary reason for it failing. He said if it had been put in the middle of the road like it was it was supposed to be rather than above the ground, there would be no problem. He said there have not been any upgrades to the system since the City took over.

**SUBCOMMITTEE MEETING MINUTES
OLD RANCH ROAD WATER LINE
Page 3**

Jennifer Mackey stated that the City is claiming that too much time and money is being spent to maintain this line but should be embarrassed by the fact that no upgrades have been done. She questioned the amount of revenue the City has received from the Old Ranch Road water line customers. She commented that she depends on this water and is very concerned about what is going to happen with regard to her service. She recognized that the slide area is difficult to access but with the amount of revenue the City collects from these residents, does the City really want to walk away from maintaining the system. She questioned whether there are more suitable pipe materials today than the 1" poly pipe and said you would think with the high tech things going on in the world there would be something durable enough to even free hang and handle exposure of the pipe above ground.

Water/Roadways Superintendent Jensen responded that HDPE is the pipe used throughout the City and is very durable but it is also more expensive.

Kaye Peake reported that according to her calculations, \$44,000 was paid to the City for water services served by the Old Ranch Road line since 1979 and felt if the line was installed properly, there would be enough revenue to maintain it. She noted that the new type of pipe is more durable and that it seems the current residents are still being burdened by John Miranda's past actions. She asked if it is standard procedure to only repair lines with clamps and if the same procedures are used on water lines inside City limits.

Water/Roadways Superintendent Jensen said that the repairs to the line are only part of the problem.

City Manager Stretch explained that the City is not responsible for repairs to a lateral which is what the City is trying to get away from with regard to the Old Ranch Road system.

City Engineer Perry pointed out that the majority of the City's water lines are underground and require minimal maintenance.

City Manager Stretch said with regard to water rates for those residents sharing 1 meter, he had staff do a comparison and based on 44 units of water for 4 residences, the charges are being computed correctly and they are not paying at the highest tiered rate as suggested. Also, staff put together the estimated annual cost to maintain the line which is \$12,000. He said the point is that the City is not generating sufficient revenue to properly maintain that system.

Mike Lommori pointed out that if the City spends \$12,000 a year to maintain the line and it only is estimated to cost \$10,000 to upgrade the line, why hasn't it been done.

Water/Roadways Superintendent Jensen pointed out that most of the \$12,000 is related to labor costs.

**SUBCOMMITTEE MEETING MINUTES
OLD RANCH ROAD WATER LINE
Page 4**

City Engineer Perry also noted that the line in question is considered a service lateral and not the City's responsibility to maintain.

City Manager Stretch reiterated that as a general rule the City does not maintain service laterals.

John Coleman argued that under the Haberstock Agreement the City's responsibility is to maintain the line to the tank which everyone knows. He asked if the water rates are tiered to increase according to usage.

City Manager Stretch said the agreement says the City shall provide water; not that the City will supply water to the holding tank.

Both John and Elizabeth Coleman argued that the Haberstock Agreement says exactly that the City will provide water to the tank.

City Manager Stretch stated that the agreement he has seen does not specifically say that in which John Coleman offered to show him that part of the agreement. (A check of the agreement indicates that the City Manager is correct).

At this point, Mayor Thompson called for order and asked Mr. Coleman to take his seat and calm down in which he refused. Mayor Thompson threatened to shut the meeting down or have Mr. Coleman removed because of his aggressive behavior. Mr. Coleman accused the Mayor of harassment and said he would be leaving soon anyway for another engagement.

City Manager Stretch explained the rate structure is tiered however; with 4 residences on 1 meter the billing system recognizes it as such and allows 4 units for the minimum base charge rather than 1 unit so they are not being over-charged.

Mike Lommori asked staff to define laterals versus main lines.

Water/Roadways Superintendent Jensen explained the water main is the line that extends to the edge of the property line; the service lateral is the line from the edge of the property to the residence.

Mr. Lommori agreed this is a unique situation and expressed concern that if the meters are moved to the intersection of Monument and Old Ranch Road, there will be problems associated with easements since it is his understanding that the City cannot convey its easement to private parties.

Mayor Thompson said perhaps what needs to happen is the formation of a private water district since each person seems to have a different idea of what needs to happen; then there could be one designated spokesperson to represent the association.

**SUBCOMMITTEE MEETING MINUTES
OLD RANCH ROAD WATER LINE
Page 5**

George Williamson from LAFCo stated the preferable option from LAFCo's perspective is that a municipality provides water to its residents but this area is out of the City's legal boundaries. He said one option is to provide services if it is feasible to do so. He said Old Ranch Road is not only out of City boundaries but also out of the City's sphere of influence so although this is an option it doesn't seem feasible. He said a second option would be for the residents to petition the City to work with LAFCo and expand the sphere of influence so they could then petition for extension of services. He said the problem with this is that they would have to demonstrate their current water is contaminated or poses another health and safety issue which is not the case since they are already being served by suitable City water. He said there are provisions where they could form a water district such as the Palmer Creek Water District and buy water from the City however; the formation is expensive and subject to LAFCo approval. He said the fourth option is to form a Municipal Water Company which is not subject to LAFCo approval.

John Coleman asked what designates the sphere of influence for the City of Rio Dell. George Williamson explained the sphere of influence is set under the authority of LAFCo and provided a *City of Rio Dell and Sphere* map compiled by Planwest Partners dated September 23, 2008 representing the current sphere boundaries.

David Hagemann stated that according to the County zoning map his two parcels are located within the City's sphere of influence so the Old Ranch Road water system is also within the sphere of influence. (This assumption was incorrect).

Charll Stoneman said it is his understanding if a property is out of the sphere of influence it is not designated as a SRA (State Responsibility Area) with regard to fire protection and they are not considered within the Rio Dell Fire Protection District.

George Williamson commented that there is a different sphere of influence related to fire protection and the current map shows he is clearly out of the City's sphere of influence.

Kaye Peake said the City owns the springs and has served the Hagemann's and the parcels created from the Habersstock Subdivision since 1979 and those parcels have always been considered to be within the City's sphere of influence because the City provides services.

City Manager Stretch said supposing the said parcels are within the sphere of influence, it still doesn't change anything with regard to how water is supplied.

George Williamson explained there are certain provisions under sphere of influence regulations where a City "may" provide water if it is deemed to be a matter of health and safety however; it is not relevant in this situation because these parcels are already being served with potable water.

John Coleman asked if the Habersstock Agreement is legitimate and said he will provide the City Manager a copy as the City's copy is obviously tainted.

**SUBCOMMITTEE MEETING MINUTES
OLD RANCH ROAD WATER LINE
Page 6**

City Manager Stretch responded that the agreement has obviously not been tainted.

Mike Lommori went back to his original concern which is if the meters are moved out to Monument and Old Ranch Road he does not have legal right to access water from those meters and neither does anyone else here and said he would like to know how that will be addressed. He said essentially, their water services could be discontinued.

City Manager Stretch said the City's proposal is not to leave residents without water but to simply make it easier on the City to provide service so if there is a glitch with regard to that, it will need to be addressed.

Mayor Thompson stated that the residents need to get together and come to an agreement as the solution to this problem is essentially in their hands.

Mike Lommori asked what part of the City budget covers water system maintenance and if maintenance is built into the rate structure. He said they pay into the water fund just like other residents of the City.

City Manager Stretch stated that maintenance comes out of the water fund which is not capitalized or generating enough money to be a viable system and in the near future the City will be looking at making those adjustments.

Mayor Thompson reiterated that the City's only responsibility is to maintain the water main to the property line; the service lateral is the responsibility of the property owner.

Jennifer Mackey stated that she does not want her water meter moved and said her livelihood depends on having water. She said everything she owns is tied up into the 5 acres she has and that she has been to hell and back working to keep it. She said thanks to the support of her neighbors they are able to keep that line working and that a lot of repairs have been done with minimal access. The fact that she bought into something with the knowledge that what she was paying for as a customer gave her all the same rights as other customers in the City should be true. She added that if the City messed up on capitalizing the system she is sorry for that and is willing to pay more for it but she thinks there is the interest to keep the meters where they are and go on and make the adjustments monetarily to recover the initial cost. She said the conversation in November had to do with how to finance the new line and they were in agreement. Now the City is asking them to install ½ mile of line stating that she personally can't do it as she is too old. She said she can't afford to lose everything she has because she can't resale her property. She commented that maybe they can form a water district but the burden is being put on people who have been very faithful water rate payers for over 30 years. She asked that the City not drop them to simply make it easier for the City and asked what it would cost to make it work.

**SUBCOMMITTEE MEETING MINUTES
OLD RANCH ROAD WATER LINE
Page 7**

Elizabeth Coleman commented that the City entered into a contract with Habersstock and for the City to breach that contract seems a little outside the law.

City Attorney Gans pointed out that they are no different from a rate structure standpoint than the rest of the City of Rio Dell but the City has the ability to appropriately capture and create a rate subset if the cost to provide the service is substantially more to the subset users. He said the City is trying to come up with a cooperative economical solution to a very difficult situation in a remote location and if you do the math and rate assessment, he is not certain that creating a subset rate structure is in their best interests versus controlling their own infrastructure. He said the group should not be of the mindset that they should pay the same rates as someone downtown right off the service line and if the City does the collective assessment and capitalization cost study to build an appropriate rate study for that service area it might not turn out to be a good deal in the long run.

He noted that with municipalities and the way to collect revenue it is such a structured process that what the City is trying to do now is find a simple common sense solution economically, short of doing a comprehensive study and tiered rate structure including everything it would take to provide the service.

Charll Stoneman presented a written list of four questions/concerns with regard to the City's proposal to move the water meters and said he doesn't know why the plan went in another direction since the meeting with the property owners in November 2013.

City Manager Stretch agreed to provide the answers to the questions in writing.

Charll Stoneman said his house was built in 1986 and was served by the springs until such time the State shut the springs down and said the owner at that time installed an extensive filter system. He said he is fine with the City's proposal to relocate the meters if in fact the City can convey easements from the City Springs property to the property owners.

City Attorney Gans said collectively if all of the users in that area were agreeable to a location for the lines to run from the meters to then tee off to the respective parcels then it would be easy to put together an easement to accommodate them. If the property owners that are going to be burdened by it refute that there might be an issue. He said there are some issues related to whether or not the City's historic right to keep and maintain the water line along Old Ranch Road is subject to conveyance. His practical common sense response knowing how difficult rate structures can be, especially with a tiered rate structure and full assessment and compartmentalization of the cost to provide service in that area, it might be a lot cheaper to put the meters along the public road, create an easement so each property owner has a separate easement for their independent water line and run it along the same trench, tee off from there and maintain it rather than relying on the public entity to maintain.

**SUBCOMMITTEE MEETING MINUTES
OLD RANCH ROAD WATER LINE
Page 8**

Hershal Smith asked why the meters stop at Old Ranch Road rather than going on up Monument Road to serve those customers and why can't the City install the new water line.

Water/Roadways Superintendent Jensen responded that there is not enough pressure to get up to that point and the reason the tanks are on the down side is because the water is gravity fed and pumped up to those residents. He further responded that the reason the City is opposed to installing a new line is because of all of the problems related to access to read meters and maintain the line. He said they have been threatened by property owners and have been required to call ahead to even read meters. He referred to the "Beware – Firearms in Use" sign posted on one of the gates and said the answer to that question simply stated is "inconsistent access and difficulty to maintain."

Councilmember Johnson reminded everyone that the conservation needs to head toward a solution and said everyone is getting way too side-tracked which is not beneficial.

Donna Stoneman said this is something that if the right-of-way is moved and the easement is modified, they would definitely need some assistance and one of her concerns is that they have a neighbor (Richard Phillips) who is not on the water system but has been very difficult to deal with and has been very destructive. As a result, she wants a clear legal opinion so that they don't get into trouble.

Jennifer Mackey asked if it would be possible in order to keep their costs down, to bring the meters as far as the first big slide area.

David Hagemann commented that the City doesn't really want the lateral so access is really not an issue for the City if they were to grant access from the west so it's a moot point. He said that he still believes that they are part of the City's sphere of influence.

George Williamson said the 2008 map is an official County Sphere of Influence map which shows the sphere of influence stops at Monument Road.

City Manager Stretch stated that whether they are or are not located in the City's sphere of influence is not relevant to this issue.

David Hagemann said he felt he was holding up the process by not granting the City access through his property but he is now willing to do so although it may now also be a moot point. He pointed out that he paid a water bill to the City for years without even having service.

City Manager Stretch said when staff met with residents back in November the approach was to have access from both sides of the slide. It was estimated that the cost to put in a new line would be \$10,000 and it was agreed that the City would do the work and the residents would reimburse the City that amount. He said the City attempted to get access from the west but the property

**SUBCOMMITTEE MEETING MINUTES
OLD RANCH ROAD WATER LINE
Page 9**

owner was not willing to grant the access. The City was hindered from crossing the slide and given those facts; staff had to go to the next step which is to relocate the meters. He said for \$10,000 the residents could install a new line and simply eliminate all of the problems so he felt it was a good option. In terms of the City continuing to provide water, maintain the line and pay for it, he pointed out that it is a lateral and the best and most cost effective solution is to relocate the meters. He said staff's recommendation is to relocate the meters to the intersection of Monument Road and Old Ranch Road, with the residents installing the new water line and the City will help with engineering to make sure the line is the correct type and size. He said he feels confident there is a way to get the easement issues resolved.

He said what he is hearing tonight is that the residents want the City to have access from both sides of the slide area to install the new line and maintain the water meters at their current location. He said frankly, he feels the recommendation made on March 18th is a much better one.

Mayor Thompson said upon walking the line on Old Ranch Road he determined that it would be irresponsible on the City's part to send City employees out to work within the slide area deemed to be hazardous due to potential injuries. He noted that the contour of the mountain has changed dramatically since 2009 and he is not comfortable with the situation stating that a tree could fall or the slide could move and cause serious injuries or worse and create serious financial consequences to the City.

Mike Lommori pointed out that as a forester he is familiar with slide areas and public works employees would have a greater chance of being injured in a car accident than working within this particular slide area. He said he would like to leave the meters where they are but felt that not everyone fully understood what was being asked of them in November. He pointed out that there are different types of easements and said he is willing to work with the City on a collaborative solution.

Hershal Smith asked how moving the meters will affect water pressure.

Councilmember Johnson pointed out that water tends to seek its own level.

City Engineer Perry said the pressure will not change since water will be pumped to the same holding tank.

David Hagemann commented that he could perhaps move his own meter closer to the holding tank.

City Manager Stretch clarified that there does not need to be separate lines for each meter and the services can be fed with a 1 inch line. He also commented that if the City Engineer says the pressure will be the same, it will be the same.

**SUBCOMMITTEE MEETING MINUTES
OLD RANCH ROAD WATER LINE
Page 10**

Susan Hagemann stated that an easement would also need to be obtained by HRC (Humboldt Redwood Co.) and expressed concern that the City Council will make a decision on the issue in May without clear answers and assurances to the property owners.

Elizabeth Coleman stated that the City made the argument for them that they had presented and worried about staff possibly getting hurt if they had tried to take heavy equipment into the slide area without first looking at the slide area with an actual engineer. Their only question was that they wanted it looked at in that manner so everything the City asked for has been right at their feet yet there is still blockage from the City and said she is curious as to why.

Mayor Thompson said staff has had problems accessing the area to read meters or repair the line and have to walk in and felt they should not have to go through numerous steps to do routine maintenance to the line.

City Manager Stretch stated that we seem to have hearts beating as one but with regard to granting the City access, if the City were to agree to limit access for the sole purpose of maintenance of the line then we have a diminishment in the value of the land because it then becomes land locked. He said at the November 20th meeting, Michael O'Hearn and Attorney Gans were present who had done legal research and settled the issue that the City does have legal access to the parcel. He said asking the City to change right of access would devalue the property. He stated for clarification that the City never suggested taking in heavy equipment or a logging truck and in fact were going to move so very little soil that a County permit was not even required. He said he sent out a notice to the property owners which were not received well so he simply backed off and took another recommendation to the City Council. He said therein lies the genesis for his suggestion to the City Council to pull the meters back to Monument Road.

Elizabeth Coleman argued that the parcel is already landlocked.

Jennifer Mackey questioned how the City can legally sell a piece of property with a slide and with no physical access to the parcel.

City Manager Stretch responded that repairs can be done

City Engineer Perry pointed out that this is a technical issue in which a solution was not developed. He said there are challenges related to the sale of this property but you could look at Monument Road and say the same thing.

Charll Stoneman noted that no one is contesting that it is land locked and if the City has legal use, shut those down that are inhibiting it. He said that both he and Mike Lommori will help to get the road in. He said he feels the City has done due diligence and can shut them down.

**SUBCOMMITTEE MEETING MINUTES
OLD RANCH ROAD WATER LINE
Page 11**

City Manager Stretch said rather than continue to push uphill, he would rather move the meters which will solve the problem.

Mike Lommori said he is willing to work with the City to allow access and suggested everyone sign an agreement allowing the City 100% access unfettered. He said he feels it is inappropriate for the City to leverage his water to get access to the springs.

City Attorney Gans asked if the property owners are requesting to make a proposal or if they want the City to come up with its proposal.

Kaye Peake said the property owners have been meeting at her house over the last couple of months regarding this issue and they came to the agreement to give the City \$10,000 to put in the new water line and allow access from both sides for maintenance. She said they came to the City tonight in good faith to say they are still in agreement with the plans as discussed in November and would like the City to allow them to assist with some of the labor.

Mayor Thompson pointed out that the \$10,000 is only an estimate and that it could be more or less.

Kaye Peake said as long as the quote is in writing they don't have a problem.

Elizabeth Coleman questioned whether the springs are for sale or not.

City Manager Stretch explained the property was declared surplus but the City has not moved forward because of the pending issues.

Susan Hagemann asked for clarification that what the City is asking is for an agreement signed by all parties that everyone is in agreement with regard to granting the City access from both sides of the slide area for maintenance of the water line. Now it seems the City wants a permanent easement to sell the property. Her understanding was that the access was only for maintenance purposes and asked why at this point this is being the swing vote and is being taken to the next level.

City Manager Stretch said on the November 20, 2013 agenda, the 3rd item had to do with the right of access so it has been there all along.

John Coleman said the City has insisted the issue related to the sale of the property be separate from the water line/water meter issue.

Charl Stoneman stated for clarification that if they get together as a group and talk to the property owners and make it clear that they may be inheriting access to springs and give out clear title for ingress and egress then the meters can be left at their current locations.

**SUBCOMMITTEE MEETING MINUTES
OLD RANCH ROAD WATER LINE
Page 12**

Councilmember Johnson said that is not what he heard.

City Attorney Gans reminded the audience that 2 members of the City Council cannot make a decision collectively on behalf of the City Council.

Jennifer Mackey said she does not want to spend time putting together a proposal if the decision has already been made and would negate all of the hard work they will be doing.

Mayor Thompson assured her that is not the case.

City Manager Stretch said the basis for his recommendation to the City Council was to get to zero maintenance expense with the line on Old Ranch Road and continue to have access to the City's parcel.

Councilmember Johnson added that it was also to have the location of those meters consistent with the other 1,300 or so other users in the City.

City Attorney Gans stated that it is a very important for property owners collectively to understand that at some point in the near future the City is going to have to re-evaluate its water rate structure. He said to go through the public to reset its rates it has to look at its collective cost to provide the service and if they have a subset of users that are incredibly more expensive to service than other locations in the City they can evaluate a tiered rate structure.

He said basically there are two proposals: 1) the City moves the meters and the property owners maintain the line; or 2) the property owners provide unfettered access to the City along Old Ranch Road for the City to reinstall and maintain a new line in perpetuity. He said those costs are going to be captured over time so the property owners need to understand that rates are not cut in stone.

Mike Lommori said there is no assurance the rates won't change if the meters are moved either.

Attorney Gans responded that there is some assurance as there is an engineering assessment that goes into the cost of providing the service and the City must rely on that to set the rates under Prop 218. He said it would be much less costly with the meters relocated to Monument Road.

Elizabeth Coleman asked that the issue be deferred to the first Council meeting in June to allow time for them to meet with legal counsel regarding easement issues.

City Manager Stretch asked that they do the best they can and if not comfortable with the amount of information, it will not be taken to the City Council for action. He said information would need to be to the City no later than May 1, 2014 for inclusion in the May 6, 2014 Council packet.

**SUBCOMMITTEE MEETING MINUTES
OLD RANCH ROAD WATER LINE
Page 13**

Councilmember Johnson said he would like to have an official answer from staff regarding where the sphere of influence ends; and requested the City Attorney look into the conveyance of the City's easement.

ADJOURNMENT

The meeting adjourned at 8:10 p.m.

Jack Thompson, Mayor

Attest:

Karen Dunham, City Clerk



*Rio Dell City hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodellcity.com*

April 29, 2104

**ANSWERS TO QUESTIONS FROM THE
SUBCOMMITTEE OF THE COUNCIL MEETING
OF 4-8-14 ON OLD RANCH ROAD WATER CUSTOMERS**

Questions posed by Charli Stoneman on April 8, 2014 at Subcommittee meeting of the City Council regarding water service to Old Ranch Road customers.

Q. 1- The City offered to improve the line and provide continued services to the present meter locations in November 2013. The City has even budgeted for said improvements. What has changed?

Answer: *Please refer to City Manager Staff report to the City Council on this topic, dated March 18, 2014 for the history.*

Q. 2- Why should the residents be asked to take on the maintenance of a public waterline over which the City has provided service for decades, and in which the residents have paid an adjusted higher rate for said service?

Answer: *The answer to this question actually makes the City's point, which is that the water lateral that the City has been maintaining is actually a private water lateral across private property. Hence, the City's proposal to correct the situation by moving the meters back to the right-of-way line at Monument Road for customers to connect to.*

The adjusted higher rate at 1-1/2 times the rate of City customers was established to compensate for the cost of delivering water to out-of-City customers. We now know that this rate adds about \$100/month to association's the water bill based on the average use of 44 units/month. But it costs the City approximately \$1,000/month for maintenance. The rate of 1-1/2 times is grossly inadequate to cover the City's cost. This is one of the reasons that staff has commented that the ratepayers in the City are subsidizing water services to ORR customers.

Q. 3- If the meters are moved and residents being served are asked to take over maintenance and service, and make any required improvements to 1/2 mile of water line over properties owned by others, how will all affected parties be granted the right to do so? It is our understanding the easement

has only been conveyed to the City Spring parcel for the installation and maintenance of a waterline that encumbers a number of parcels until it reaches Monument Road. If this is indeed the case, how will the City convey an easement to the affected parties?

Answer: *The City of Rio Dell presently has a deeded access from Monument Road to its 5.5 acre springs property, not an easement. That deeded access provides access to our property as well as the right to install and maintain a water line along ORR, below the level of a plow.*

The City is presently working with the Humboldt Redwood Company (HRC) for your water line easement across their land, approximately 620'. We believe that an agreement for the placement of the water meters and an easement for water customers should be achievable.

Once the water line leaves HRC property, the customers will have to rely on a mutual agreement for easement and access to the water line and holding tank and the Hagemanns will need an easement from the City.

Q. 4- If the meters were to be moved per the City, would the City assure proper conveyance of an easement to the residents, bear the costs to record said easement, and have it in place prior to moving the meters and abandoning the line?

Answer: *The City will coordinate the moving of the meters with the residents when they extend their laterals, within reason, and will assist with the easement as we are presently doing.*



675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
(707) 764-5480 (fax)
E-mail: cm@riodellcity.com

May 6, 2014

TO: Mayor and Members of the City Council

THROUGH: Jim Stretch, City Manager

FROM: Brooke Woodcox, Finance Director

DATE: May 6, 2014

SUBJECT: Credit Card Processing Service

RECOMMENDATIONS

Authorize a one year Merchant Agreement with GovTeller to provide credit card processing services for the City of Rio Dell.

BUDGETARY IMPACT

A onetime fee of \$191 plus tax for the purchase of two USB card readers (shipping included). The equipment becomes the property of the City.

BACKGROUND AND DISCUSSION

Earlier discussions of credit and debit card transactions were left with the prior Finance Director having been directed to research the financial aspects of accepting credit card payments.

Credit and debit cards are a convenient way for consumers to pay for goods and services. Fees for the use of these services are passed on to the vendors, which results in a loss of revenue for every transaction that is paid by a credit or debit card. These fees vary depending on the card type and the transaction amount. In addition there may be monthly service and network fees. The revenue loss for most organizations that accept credit and debit cards can be substantial.

Government entities and public agencies are exempt from absorbing credit card transaction fees. Specifically, government and public agencies, such as a city, are exempt from California Civil Code section 1748.1 which prohibits retailers from adding a surcharge to credit and debit card

purchases. The City of Rio Dell, through its exemption of this ruling, can charge credit card fees to the consumer.

GovTeller, a third party payment processor, provides the service for governmental agencies to process credit and debit card transactions that pass credit card fees directly to the consumer. Even before the transaction is completed the consumer must approve the additional fee. GovTeller will allow the City of Rio Dell to accept credit and debit cards without any losses of revenue to the water, sewer, and building funds because the credit card surcharges are paid by the customer. The fees that GovTeller charges to cardholders/checking account holders are as follows:

Counter and Online Transactions

Visa, MasterCard & Discover Card	$\$1.50 < \50.00 and $\$1.50 + (2.49\% > \$50.01)$
Visa Signature Debit	\$3.49 online transactions only
EChecks	\$1.50

GovTeller boasts “no fees to government agency; Consumer-fee passed onto consumer.” This includes both countertop and online transactions. There are no charges to the City except for equipment, which initially costs \$191.

Check guarantee by verifying funds in customer’s accounts will not be offered since the price for equipment is too high and outweighs any benefits.

In the early stages of accepting credit cards to pay utility bills it is the intention of the City to implement countertop card swipe and telephone transactions only. Online transaction payment processing will be implemented at a later date. This gradual process is meant as a means to develop the credit card payment system in an orderly manner. The steps for processing online credit card transactions are easily handled. First, staff will log in each day and retrieve a report that will list daily transactions. Next, staff will manually enter payments into the City’s accounting software. Customers can go online and make their payments based on mailed billings since amounts due will not be provided to the customer online through the website.

The additional steps of accepting credit cards at the counter in comparison to the steps already in place when a customer pays a bill are minimal for City staff. The cashier will run the credit card transaction by either swiping a credit card or getting the credit card information over the phone, as well as online transactions will be processed through GovTeller’s website where cashiers will go online and print out daily reports. In addition, online transactions will automatically generate an email that alerts staff of an online payment. The countertop transactions and downloaded reports will provide the information necessary for staff to manually apply amounts to customer’s accounts.

GovTeller will make automatic daily bank deposits to the City of Rio Dell’s bank account. Staff will then verify deposits on a daily basis, matching the City’s countertop transactions and online payments to the lump sum deposit made by GovTeller. In addition, GovTeller will automatically deposit the transaction fee received from customers into its own bank account. The fees for these

transactions will not be included in the City's processes since the City will never see these fees going in, or out, of its financial records or banking account.

The only foreseen drawback to accepting credit card payments are chargebacks and associated fees that occur when a transaction is denied to GovTeller usually through a customer that disputes the charge to his or her credit card. GovTeller will deduct payments from the City's bank account that are disputed by the customer and charge the city a fee of \$25 for rejected credit card transactions and \$15 for NSF Echecks. Collection procedures for uncollected amounts include the policies and procedures that the City already has in place for collection on outstanding balances of customer accounts. Additionally, the customer will be expected to reimburse the City for the \$25 chargeback fee, or \$15 for NSF Echecks for reimbursement of the fees that GovTeller charges the City in the same way a customer is expected to pay NSF fees that the bank charges to the City.



GovTeller™

GovTeller™ is the premiere method to process Government payments for Property taxes, and other types of payments such as Citations, Motor Vehicle fees, Marriage licenses, Building permits, Court fees, Recording fees, etc. – **With no processing fees to Government agencies.** At the time of payment, the consumer agrees to a nominal consumer fee, which is automatically calculated and added to the transaction. The payer has the option to cancel before being charged. Our Consumer Fees are extremely competitive and reasonable.

GovTeller™ Online Payment Center

Access to a customizable website payment center that offers the government agency and the payer/consumer a convenient and secure system for fast online transactions.

GovTeller™ Countertop Terminal

Compact Countertop terminal accepts PIN Debit cards (PIN pad for PIN Debit transactions using consumers' secure PIN) for fast, secure in-person over-the-counter Credit, Debit & PIN debit transactions.

GovTeller™ Card Reader / Swiper

Small device that connects via USB cable to in-office computers. Fast, secure in-person over-the-counter Credit & Debit transactions.

GovTeller™ IVR (phone payments)

Allow your payers to easily make payments to your office using their telephone and calling our 800#.

GovTeller™ Features

- **No fees** to government agency; Consumer-fee passed onto consumer...
- **Lower** consumer-fees than most companies...
- **No** Minimums, **No** Set-up Costs, **No** Annual Fees...
- GovTeller automatically calculates consumer fees: no look-up tables! No calculators!
- No end of day "function" to send batch file...
- PIN Debit available payment option on Countertop terminal (convert your check-writers to use PIN Debit!)...
- Fast electronic deposits...
- Online real-time accurate reconciliation reports...
- PCI Level 1 compliant...

Consumer Fees:

Countertop Terminal:	Visa, MasterCard & Discover Credit/Debit	= \$1.50 < \$50.00 and 2.49% > \$50.01
	Visa Signature Debit	= \$3.95 (online only)
	PIN Debit	= \$1.50 < \$50.00 and 2.49% > \$50.01
	American Express	= 3.5% + \$1.50

Online Payment Center,

Card Reader & IVR:	Visa, MasterCard & Discover Credit/Debit	= \$1.50 < \$50.00 and 2.49% > \$50.01
	Visa Signature Debit	= \$3.95 (online only)
	American Express	= 3.5% + \$1.50
	eCheck	= \$1.50 (online & IVR payments only)

Online non-tax only offices (Visa Signature Debit = \$3.95 not applicable)

IVR Transactions (add \$0.40 Consumer Fee) per Visa/MasterCard credit/debit, Discover, Amex card type transactions, and eCheck

**Alaska inbound IVR calls (add an additional \$1.25 Consumer Fee) per Visa/MasterCard credit/debit, Discover & Amex card type transaction
Add: \$0.40 + \$1.25 = \$1.65

For more information, please contact: Adam Hensleigh (510) 771-2105



Powered by  Convenient Payments

GovTeller
48001 Fremont Blvd.
Fremont, California 94538
Phone: 510-771-2105
Fax: 510-687-2105
www.govteller.com

GovTeller Services

GovTeller is a credit/debit card processor that specializes in offering credit/debit card processing services for both online and in-person transactions to government agencies. GovTeller utilizes the consumer fee model, where there are no credit/debit card processing costs to the city. The consumer fee is automatically calculated and the payer has to opt-in to the transaction. If the payer elects not to pay the consumer fee then they may opt-out of the transaction before their credit/debit card is ever charged and go back to paying with cash or check like they have done before. GovTeller does a split-deposit where 100% of the payment is deposited directly into the city's bank account and the consumer fee is directly deposited into GovTeller's bank account (please refer to the included sample transaction report) GovTeller has the capability to deposit the city's funds the next day provided the automatic batch time is set before the next day cutoff.

Costs to the City

Since the city incurs no credit/debit card processing costs, the only cost that incurs is the equipment. Two USB card readers will cost \$88 each plus \$15 shipping for a sub-total of \$191 plus sales tax. This is a one time cost and the city then owns the equipment outright. Please refer to page 10 Exhibit C in regards to Chargeback and Insufficient Funds (only occurs if you accept e-checks). The fees only occur if they happen and GovTeller works with your city to resolve the issue with the citizen before debiting the city's bank account. Often times the issue is cleared up before GovTeller debits the city's bank account. If a fee has to be assessed then often times the city will add it to the amount the citizen still owes.

Consumer Fees

Please see included Consumer Fee Schedule

Justification of Consumer Fees

Whether a citizen is paying for a stick of gum or their utility bill, there is a cost from Visa/MasterCard to someone for accepting the credit card. Merchants who sell sticks of gum cannot pass on the cost of processing to their customer. However, government agencies have the ability to work with a third-party processor who is registered in special programs with Visa/MasterCard such as GovTeller to be able to directly pass on the cost of processing (please see the Visa and State Attorney General handouts). GovTeller's consumer fees are very competitive and reasonable. What is great about our model is only the people who want to use their credit cards are the ones paying for it. Also, at the end of the day people pay for credit card processing whether they realize (by a Merchant increasing the cost of goods they are purchasing) it or not. With GovTeller at least they know how much they paying.

Rio Dell City hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodellcity.com



May 6, 2104

TO: Rio Dell City Council

FROM: Jim Stretch, City Manager

SUBJECT: Internal transfer of Streets Fund Appropriation from Capital Project to Street Operations Budget

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Authorize the transfer of funds from the Capital Project Budget (Gas Tax) line items approved for Street Stripping (\$39,364) and Street Paving-Fern/ Eeloa/ Eagle Prairie/Riverside (\$1,000) to the Public Works-Streets Budget (Gas Tax) for shortages in the Salary and Benefit line items, and authorize the internal transfer of available monies in the Public Works-Streets Budget to accounts that may have deficits at years end, in the grand total amount of approximately \$40,364.

BACKGROUND AND DISCUSSION

The 2013-14 Final Budget for Public Works-Streets assumed the historic spread of public works staff for the Water Fund-38%, Sewer Fund- 49% and Street Fund-13%. However, the requirement for staff resources for Streets this year has been substantially more than the \$45,950 budgeted. The projected expenditures in salaries and benefits is \$112,245 or 35% of staff resources, which means that the Water and Sewer Funds will be charged for substantially less for salaries and benefits. This information suggests that the spread for the fiscal year will be more like 32%, 33% and 35% respectively and will provide instruction for future fiscal planning.

Last winter required more labor for road work than normal due to the failure of drainage inlets, plugged and deteriorated culverts and the Wildwood Avenue Enhancement Project. The amount of hours logged by the public works crew was recorded on their time cards. Though turnover in the Finance Office may have contributed to this matter not being addressed earlier, the causation of the expenditures was beyond our control and would have had the same whether addressed 2 months ago or today.

The analysis is that funds are available in various line-items in the Public Works Operations Budget in the amount of \$25,931 to cover unanticipated requirements in the salaries and benefits object; leaving \$40,364 to be transferred from other available sources; in this case street projects in the Capital Projects Budget.

The Street Fund has (2) projects in the Capital Projects Budget that have not been spent and some of the balances are recommended to be transferred to the Public Works Operations Budget

to cover projected expenditures. The Council may recall that \$50,000 was allocated for street stripping, with the proviso that if it was not all required for stripping it could be used for street maintenance. Only \$10,635 of the amount was used for street stripping, leaving a balance of \$39,364 now recommended to be transferred to cover expenses in the Operations Budget.


Similarly, Street Paving was budgeted in the Capital project Budget at \$67,000 and that balance remains. Accordingly, \$1,000 is recommended to be transferred to the Public Works Operations Budget to cover the requirements of salaries and benefits, for the grand transfer total of \$40,364.


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: May 6, 2014

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: April 29, 2014

Subject: Text Amendment to the Commercial and Industrial Designations replacing the language "such as" with "similar to and including but not limited to" and to allow uses not specifically allowed with a Conditional Use Permit, but are similar to and compatible with the uses permitted in the zone with a Conditional Use Permit.

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed text amendment;
2. Open the public hearing, receive public input, close the public hearing and deliberate;
3. Introduce Ordinance No. 316-2014 amending the Town Center regulations, Section 17.20.040(2), the Neighborhood Center regulations, Section 17.20.50(1)(c) and 17.20.050(2), the Community Commercial regulations, Section 17.20.060(1) and 17.20.060(2), the Industrial regulations, Section 17.20.100(1) and 17.20.100(2) and the Industrial Commercial regulations, Section 17.20.110(1) and 17.20.110(2) of the Rio Dell Municipal Code (RDMC).

4. Continue consideration, approval and adoption of the proposed Ordinance to your meeting of March 4, 2014 for the second reading and adoption.

Background/Summary

The City is often contacted by individuals interested in certain use types that may not be specifically identified as an allowed use in the zone the property is located. As the Commission is aware, the City recently amended the Town Center zone development standards. The amended Town Center development standards to include the following language: "similar to and including but not limited to". This language allows staff some flexibility in determining whether or not a proposed use is similar to and compatible with the uses permitted in the zone.

The Neighborhood Commercial (NC) zone, under Principally Permitted Uses, does include the following language: "such as". Although this language does appear to provide staff some flexibility in considering uses that are not specifically identified as principally permitted uses, staff is recommending the City amend the language to clearly indicate the identified use type are not all inclusive. Therefore, staff is recommending that the language "such as" be replaced with "similar to and including but not limited to".

The Community Commercial (CC) and Industrial zones include the same "such as" language as the Neighborhood Center (NC) zone for allowed uses. Again, staff is recommending that the language "such as" be replaced with "similar to and including but not limited to".

In addition, to the above minor recommended changes, staff is recommending that conditionally permitted use types in the Commercial and Industrial zones be expanded to allow "Any use not specifically enumerated if it is similar to and compatible with the uses permitted in the zone".

Procedures for Zoning Ordinance Amendments

Pursuant to Section 17.35.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.35.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.
- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.

- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.35.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

Zone Reclassification Required Finding:

1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.

One of the six Goals identified in the Land Use Element of the General Plan is: "To grow sustainably, provide economic opportunities and local jobs". In addition, Land Use Policy LU-17 includes the following language: "Strengthen and diversify the local economy and maintain and improve property values." Furthermore, Land Use Policies LU-21 and LU-24 calls for in part "...the creation and retention of employment opportunities... and ...economic development in Rio Dell...". The proposed revisions to allow and facilitate economic opportunities is consistent with the Goals and Policies of the General Plan

2. The proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA. The text amendment to replace "such as" with "similar to and including but not limited to" and to allow similar and compatible uses with a Conditional Use Permit, will not affect whether or not the use is exempt from CEQA. Based on the minor nature of the proposed amendments, staff believes there is no evidence to suggest that the amendments will have a **significant** effect on the environment.

Financial Impact

The City is responsible for the costs associated with the proposed amendment. The cost is insignificant and will not result in additional budget expenditures or revisions.

Attachments:

1. Proposed Town Center Changes.
2. Proposed Neighborhood Center Changes.
3. Proposed Community Commercial Changes.
4. Proposed Industrial Changes.
5. Proposed Industrial Commercial Changes
6. Draft Ordinance No. 316-2014 amending the Town Center regulations, Section 17.20.040(2), the Neighborhood Center regulations, Section 17.20.50(1)(c) and 17.20.050(2), the Community Commercial regulations, Section 17.20.060(1) and 17.20.060(2), the Industrial regulations, Section 17.20.100(1) and 17.20.100(2) and the Industrial Commercial regulations, Section 17.20.110(1) and 17.20.110(2) of the Rio Dell Municipal Code (RDMC).

17.20.040 Town Center or TC zone.

The purpose of the Town Center or TC zone is to provide an area for a broad range of uses which generate high pedestrian traffic and which do not have large space requirements, including artisan workshops and galleries, retail businesses, personal services, offices, eating places, visitor accommodations, and similar uses. Mixed residential-commercial uses are an important component of the TC zone and are encouraged to ensure an economically and socially vibrant downtown that is intended for, and enjoyed by, residents and visitors alike.

The following regulations shall apply in all Town Center or TC zones:

(1) Principal Permitted Uses.

- (a) Resident and visitor-serving retail and service uses conducted entirely within an enclosed building, including, but not limited to: grocery stores; drug stores; hardware stores; variety stores; sporting goods stores; bakeries; coffee shops; fruit and vegetable markets; bicycle sales, rentals and repair shops; bowling alleys; furniture sales; audio-video stores; florists; frame shops; clothing and apparel businesses; health clubs; dry cleaning (not including processing plants); laundromats; tailors; shoe repair; retail sales and repair of household goods and appliances; and hobby and craft shops;
- (b) Apartments on the upper floors of multistory buildings;
- (c) Service establishments, such as spas, nail salons, beauty salons, and barbershops;
- (d) Business and professional offices, such as for accountants, lawyers, architects, engineers, realtors, financial advisors, medical and dental offices;
- (e) Banks and financial institutions without drive-up facilities;
- (f) Restaurants and licensed premises (bars) appurtenant thereto;
- (g) Movie Theaters;
- (h) Galleries, museums and gift shops.

(2) Uses Permitted with a Use Permit.

- (a) Civic and cultural organizations such as Elk and Moose Lodges, Rotary clubs, garden clubs;
- (b) Hotels and motels; Bed and Breakfast Inns;
- (c) Licensed premises (bars) not appurtenant to any restaurant.
- (d) Artisan studios and showrooms including, but not limited to: woodworking, glass blowing, metal works, ceramics, crafts, and clothing manufacturers.
- (e) Live-Work units where residential activities are located at the back of buildings, do not

occupy more than 40% of the gross floor area.

(f) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

(3) Other Regulations. See Table 17.20.040 for development standards for the town center (TC) zone.

Table 17.20.040

Development Standards for the Town Center or
TC Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	2,500 square feet
Maximum Ground Coverage:	100% for commercial [Floor Area Ratio = 2]
Minimum Lot Width:	25 feet
Minimum Yards	
Front:	None.
Rear:	None. 10 feet if abutting a residential zone.
Side:	None. 5 feet if abutting a residential zone.
Maximum Building Height:	3 stories or 45 feet

[Ord. 297, 2012]

17.20.050 Neighborhood Center or NC zone.

The neighborhood center or NC zone is intended to provide for small-scale shopping centers located within neighborhoods which will provide convenient sales and service facilities to residential areas, without detracting from the residential desirability of such areas. The following regulations shall apply in all neighborhood center or NC zones:

(1) Principal Permitted Uses.

(a) Social halls, fraternal and social organizations and clubs, plant nurseries and greenhouses;

(b) Professional and business offices and commercial instruction;

(c) Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, ~~such as~~ **including, but not limited to** antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, bookstores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning and laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations and repair, studios, tailor shops, enclosed theaters, and variety stores;

(d) Sales of used and secondhand goods, when appurtenant to any of the foregoing.

(e) Pet shops, public garages, sales of used or secondhand goods, and storage warehouses.

(2) Uses Permitted with a Use Permit.

(a) Boarding and rooming houses, and bed and breakfast inns in a mixed use building;

(b) Professional and business offices, health services, and commercial instruction when part of a mixed use building;

(c) Small animal hospitals completely enclosed within a building;

(d) Civic and cultural uses including City offices and day care centers.

(e) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

(3) Other Regulations. See Table 17.20.050 for development standards for the neighborhood center (NC) zone.

Table 17.20.050

Development Standards for the Neighborhood
Center or NC Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	2,000 square feet
Maximum Ground Coverage:	100% [Floor Area Ratio = 1.5]
Minimum Lot Width:	25 feet
Minimum Yard*	
Front:	15 feet if abutting residential, otherwise none required*
Rear:	15 feet if abutting residential, otherwise none required*
Side:	15 feet if abutting residential, otherwise none required*
Maximum Building Height:	3 stories or 45 feet

*Note: Setbacks are required where NC abuts a residential zone to provide separations between these uses.

[Ord. 252 § 4.07, 2004.]

17.20.060 Community Commercial or CC zone.

The purpose of the community commercial or CC zone is to provide for large-scale commercial uses. The following regulations shall apply in all community commercial or CC zones:

(1) Principal Permitted Uses, including, but not limited to:

- (a) Large-scale retail stores and retail services, including supermarkets;
- (b) Automotive sales, automotive services contained entirely within a building, and gas stations;
- (c) Light manufacturing contained entirely within a building;
- (d) All uses permitted with a use permit in neighborhood center or NC zones, without regard to the securing of any use permit, except as provided in subsection (2) of this section.

(2) Use Permitted with a Use Permit.

- (a) Motels in a lodging building or in a mixed use building, RV parks;
- (b) Small animal hospitals, completely enclosed within a building;
- (c) Stores, agencies and services ~~such as~~ including, but not limited to carpentry and cabinet-making shops, clothing manufacture, contractors' yards, dry cleaning and laundry plants, handicraft manufacture, lumber yards, metalworking shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops, printing and lithographic;
- (d) Civic and cultural uses including City offices and other government services and City parking facilities.

(e) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

(3) Other Regulations. See Table 17.20.060 for development standards for the community commercial (CC) zone.

- (a) Minimum lot area, width, and minimum yards shall be the same as those required in the neighborhood commercial or NC zones.
- (b) Maximum building height: 45 feet.

Table 17.20.060

Development Standards for the Community
Commercial or CC Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	5,000 sq. ft.
Maximum Ground Coverage:	100% [Floor Area Ratio = 1.5]
Minimum Lot Width:	50 ft.
Minimum Yard	
Front:	15 feet if abutting residential, otherwise none required
Rear:	15 feet if abutting residential, otherwise none required
Side:	15 feet if abutting residential, otherwise none required
Maximum Building Height:	3 stories or 45 feet

[Ord. 252 § 4.08, 2004.]

17.20.100 Industrial or I zone.

The purpose of the industrial zone is to provide for large-scale industrial uses.

(1) Principal Permitted Uses, including, but not limited to:

- (a) Wood products manufacturing;
- (b) Power generation;
- (c) Other industrial uses including, **but not limited to** stores and services such as carpentry and cabinet making, clothing manufacture, handicraft manufacture, lumber yards, metal working shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops and printing and lithographing;
- (d) Research and development;
- (e) Research and light industrial;
- (f) Telecommunications;
- (g) Manufacturing; and
- (h) Administrative, business and professional offices.

(2) Uses Permitted with a Use Permit.

- (a) Ancillary and complementary (with a use permit); and
- (b) Kennels and animal boarding and veterinary.

(c) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

(3) Other Regulations. See Table 17.20.100 for development standards for the industrial (I) zone.

Table 17.20.100 Development Standards in the
Industrial or I Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	1 acre
Maximum Ground Coverage:	Not applicable
Floor Area Ratio (FAR):	Proportion of lot area: 0.35
Minimum Lot Width:	Not applicable
Minimum Open Space:	10%
Minimum Yard	
Front:	10 feet
Rear:	0 unless abutting residential, in which case 10 feet
Side:	0 unless abutting residential, in which case 10 feet
Maximum Building Height:	4 stories or 45 feet

[Ord. 256 § 1 (Att. B), 2008; Ord. 252 § 4.10, 2004.]

17.20.110 Industrial Commercial or IC zone.

The purpose of the industrial commercial zone is to provide for industrial and commercial uses.

(1) Principal Permitted Uses, including, but not limited to:

(a) Industrial uses as described in the industrial land use designation and compatible commercial uses described in the community commercial land use designation;

(b) Public facility needs such as a wastewater treatment plant;

(c) Motor vehicle repair, maintenance and fueling; and

(d) Telecommunications facilities and manufacturing.

(2) Uses Permitted with a Use Permit.

(a) Lodging; and

(b) Child care.

(c) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

(3) Other Regulations. See Table 17.20.110 for development standards for the IC zone.

Table 17.20.110 Development Standards in the
Industrial Commercial or IC Zone

Site Development Standard	Zone Requirement
Minimum Lot Area	20,000 square feet
Maximum Ground Coverage:	Not applicable
Floor Area Ratio (FAR):	Proportion of lot area: 1.5 on 20% and 0.35 on 80%
Minimum Lot Width:	Not applicable
Minimum Open Space	10%
Minimum Yard	
Front:	10 feet
Rear:	0 unless abutting residential, in which case 10 feet
Side:	0 unless abutting residential, in which case 10 feet.
Maximum Building Height:	4 stories or 65 feet

[Ord. 276 § 1, 2011; Ord. 256 § 1 (Att. B), 2008; Ord. 252 § 4.11, 2004.]

ORDINANCE NO. 316 – 2014



AMENDING THE COMMERCIAL AND INDUSTRIAL REGULATIONS, BY REPLACING THE LANGUAGE "SUCH AS" WITH "SIMILAR TO AND INCLUDING BUT NOT LIMITED TO" AND TO ALLOW USES NOT SPECIFICALLY ALLOWED WITH A CONDITIONAL USE PERMIT, BUT ARE SIMILAR TO AND COMPATIBLE WITH THE USES PERMITTED IN THE ZONE WITH A CONDITIONAL USE PERMIT. SECTIONS 17.20.040(2), 17.20.50(1)(c), 17.20.050(2), 17.20.060(1), 17.20.060(2), 17.20.100(1), 17.20.100(2), 17.20.110(1) and 17.20.110(2) OF THE RIO DELL MUNICIPAL CODE (RDMC).

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

WHEREAS the City is often contacted by individuals interested in certain use types that may not be specifically identified as an allowed use in the zone the property is located; and

WHEREAS the City recently amended the Town Center development standards to include the following language: "similar to and including but not limited to"; and

WHEREAS this language allows staff some flexibility in determining whether or not a proposed use is similar to and compatible with the uses permitted in the zone; and

WHEREAS staff is recommending that the language "such as" be replaced with "similar to and including but not limited to" in the Commercial and Industrial zones; and

WHEREAS staff is also recommending that conditionally permitted use types in the Commercial and Industrial zones be expanded to allow "Any use not specifically enumerated if it is similar to and compatible with the uses permitted in the zone"; and

WHEREAS the City has reviewed and processed the proposed amendments in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendments in conformance with Section 17.35.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendments are consistent and compatible with the General Plan and any implementation programs that may be affected; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell finds that:

1. The proposed amendments are consistent with the General Plan and any applicable specific plan; and
2. The City has determined that the proposed amendment is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1. Amendments

Section 17.20.040(2) Town Center or TC zone.

Section 17.20.040(2)(f) of the Rio Dell Municipal Code is hereby established as follows:

(f) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

Sections 17.20.050(1)(c) and 17.20.050(2)(e) Neighborhood Center or NC zone.

Section 17.20.050(1)(c) of the Rio Dell Municipal Code is hereby amended as follows:

(c) Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, ~~such as including~~, **but not limited to** antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, bookstores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning and laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations and repair, studios, tailor shops, enclosed theaters, and variety stores;

Section 17.20.050(2)(e) of the Rio Dell Municipal Code is hereby established as follows:

(e) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

Sections 17.20.060(1). 17.20.060(2)(c) and 17.20.060(2)(e) Community Commercial or CC zone.

Section 17.20.060(1) of the Rio Dell Municipal Code is hereby amended as follows:

(1) Principal Permitted Uses, including, but not limited to:

Section 17.20.060(2)(c) of the Rio Dell Municipal Code is hereby amended as follows:

(c) Stores, agencies and services ~~such as~~ including, but not limited to carpentry and cabinet-making shops, clothing manufacture, contractors' yards, dry cleaning and laundry plants, handicraft manufacture, lumber yards, metalworking shops, wholesale outlet stores, painters' and decorators' yards, plumbing shops, printing and lithographic;

Section 17.20.060(2)(e) of the Rio Dell Municipal Code is hereby established as follows:

(e) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

Sections 17.20.100(1) and 17.20.100(2)(c) Industrial or I zone.

Section 17.20.100(1) of the Rio Dell Municipal Code is hereby amended as follows:

(1) Principal Permitted Uses, including, but not limited to:

Section 17.20.100(2)(c) of the Rio Dell Municipal Code is hereby established as follows:

(c) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

Sections 17.20.110(1) and 17.20.110(2)(c) Industrial Commercial or IC zone.

Section 17.20.110(1) of the Rio Dell Municipal Code is hereby amended as follows:

(1) Principal Permitted Uses, including, but not limited to:

Section 17.20.110(2)(c) of the Rio Dell Municipal Code is hereby established as follows:

(c) Uses not specifically identified, but similar to and compatible with the uses permitted in the zone.

Section 2. Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 3. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 4. CEQA Compliance

The City Council has determined that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines. The City currently has no environmentally sensitive habitat regulations requiring the protection of environmentally sensitive habitat. The proposed Environmentally Sensitive Habitat Area (ESHA) regulations will provide for the protection of environmentally sensitive resources. Due to the nature of the proposed code revision, there is no evidence that a *significant* impact to the environment would occur as a result of adoption of the Ordinance.

Section 5. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on May 6, 2014 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 20th of May 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 316-2014 adopted by the City Council of the City of Rio Dell on May 6, 2014.

Karen Dunham, City Clerk, City of Rio Dell